

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:)	
)	
THE FINANCIAL OVERSIGHT AND)	PROMESA
MANAGEMENT BOARD FOR PUERTO RICO)	Title III
)	
as representative of)	Case No. 17-BK-03283 (LTS)
)	
THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i> ,)	
)	
Debtors. ¹)	
In re:)	
)	PROMESA
THE FINANCIAL OVERSIGHT AND)	Title III
MANAGEMENT BOARD FOR PUERTO RICO,)	
)	Case No. 17-BK-03566 (LTS)
as representative of)	
)	
THE EMPLOYEES RETIREMENT SYSTEM OF THE)	
GOVERNMENT OF THE COMMONWEALTH OF)	
PUERTO RICO,)	
)	
Debtor.)	
)	

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

THE SPECIAL CLAIMS COMMITTEE OF THE
FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, ACTING BY AND
THROUGH ITS MEMBERS,

and

THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF ALL TITLE III DEBTORS
(OTHER THAN COFINA),

as co-trustees of

THE EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF PUERTO RICO,

Plaintiff,

v.

DEFENDANT 1M, *et al.*,

Defendants.

THE SPECIAL CLAIMS COMMITTEE OF THE
FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, ACTING BY AND
THROUGH ITS MEMBERS,

and

THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF ALL TITLE III DEBTORS
(OTHER THAN COFINA),

as co-trustees of

THE EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF PUERTO RICO,

Adv. Proc. No. 19-00356 (LTS)

Adv. Proc. No. 19-00357 (LTS)

Plaintiff,
v.
STOEVER GLASS & CO., *et al.*,
Defendant.

THE SPECIAL CLAIMS COMMITTEE OF THE
FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, ACTING BY AND
THROUGH ITS MEMBERS,

and

THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF ALL TITLE III DEBTORS
(OTHER THAN COFINA),

as co-trustees of

THE EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF PUERTO RICO,

Plaintiff,

v.

DEFENDANT 1H-78H,

Defendants.

THE SPECIAL CLAIMS COMMITTEE OF THE
FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO, ACTING BY AND
THROUGH ITS MEMBERS,

and

Adv. Proc. No. 19-00359 (LTS)

Adv. Proc. No. 19-00361 (LTS)

THE OFFICIAL COMMITTEE OF UNSECURED)
CREDITORS OF ALL TITLE III DEBTORS)
(OTHER THAN COFINA),)
)
as co-trustees of)
)
THE EMPLOYEES RETIREMENT SYSTEM OF THE)
GOVERNMENT OF PUERTO RICO,)
)
Plaintiff,)
)
v.)
)
DEFENDANT 1G-50G, <i>et al.</i> ,)
)
Defendants.)

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ORDER ON DISCOVERY MOTIONS

This matter is before the Court on the *Motion of Certain ERS Bondholders to Compel ERS to Provide Complete Answers to Interrogatories* (Dkt. No. 755 in 17-BK-3566; Dkt. No. 9697 in 17-BK-3283; Dkt. No. 64 in 19-AP-356; Dkt. No. 66 in 19-AP-357; Dkt. No. 40 in 19-AP-359; and Dkt. No. 51 in 19-AP-361) (the “Motion to Compel Interrogatories”), the *Urgent Motion of Committees and Government Parties to Compel Production of Documents from ERS Bondholders* (Dkt. No 756 in 17-BK-3566; Dkt. No. 9698 in 17-BK-3283) (the “Motion to Compel Documents”) and *The Official Committee of Retired Employees of the Commonwealth of Puerto Rico’s Urgent Motion for a Protective Order Quashing the Deposition Subpoena Served on Retiree Committee’s Counsel* (Dkt. No 766 in 17-BK-3566; Dkt. No. 9719 in 17-BK-3283) (the “Motion to Quash”) (together, the “Discovery Motions”).

For the reasons discussed in open court, the Court hereby ORDERS as follows:

1. The Motion to Compel Interrogatories is ALLOWED IN PART and DENIED IN PART.

ERS must supplement Interrogatory No. 1 (a)(ii) and (b) and Interrogatory No. 2. In supplementing Interrogatory No. 1(a)(ii) and No. 2(a), ERS must identify when it, as an agency, came to the conclusions at issue in the interrogatories. ERS is not required to supplement Interrogatory No. 8 or Interrogatory No. 11.

2. The Motion to Compel Documents is ALLOWED IN PART and DENIED IN PART. The Bondholders must produce non-privileged documents, if any, regarding the validity (or invalidity) of the bonds, the legality of their issuance, allegations about the validity or legality of the Bonds, the scope of the grant of authority under the ERS Enabling Act and ERS's authority to engage in borrowing, and any other issues related to the claims in the Ultra Vires Proceedings. With respect to the Investment Committee Memoranda, the Bondholders must produce all responsive Investment Committee Memoranda related to the purchase of the ERS Bonds with the substance of non-responsive sections of such memoranda redacted, but leaving all headings of such memoranda un-redacted.
3. Pursuant to the parties' request, the Motion to Quash is adjourned and the parties shall file a status report by **January 22, 2020** concerning the status of the Motion to Quash. Should any issues remain for adjudication, the Court will decide them on the papers.

SO ORDERED.

This Order resolves Dkt. Nos. 755 and 756 in 17-BK-3566, Dkt No. 9697 and 9698 in 17-BK-3283, Dkt. No. 64 in 19-AP-356, Dkt. No. 66 in 19-AP-357, Dkt. No. 40 in 19-AP-359, and Dkt. No. 51 in 19-AP-361.

/s/ Judith Gail Dein

Judith Gail Dein

United States Magistrate Judge

DATED: January 16, 2020